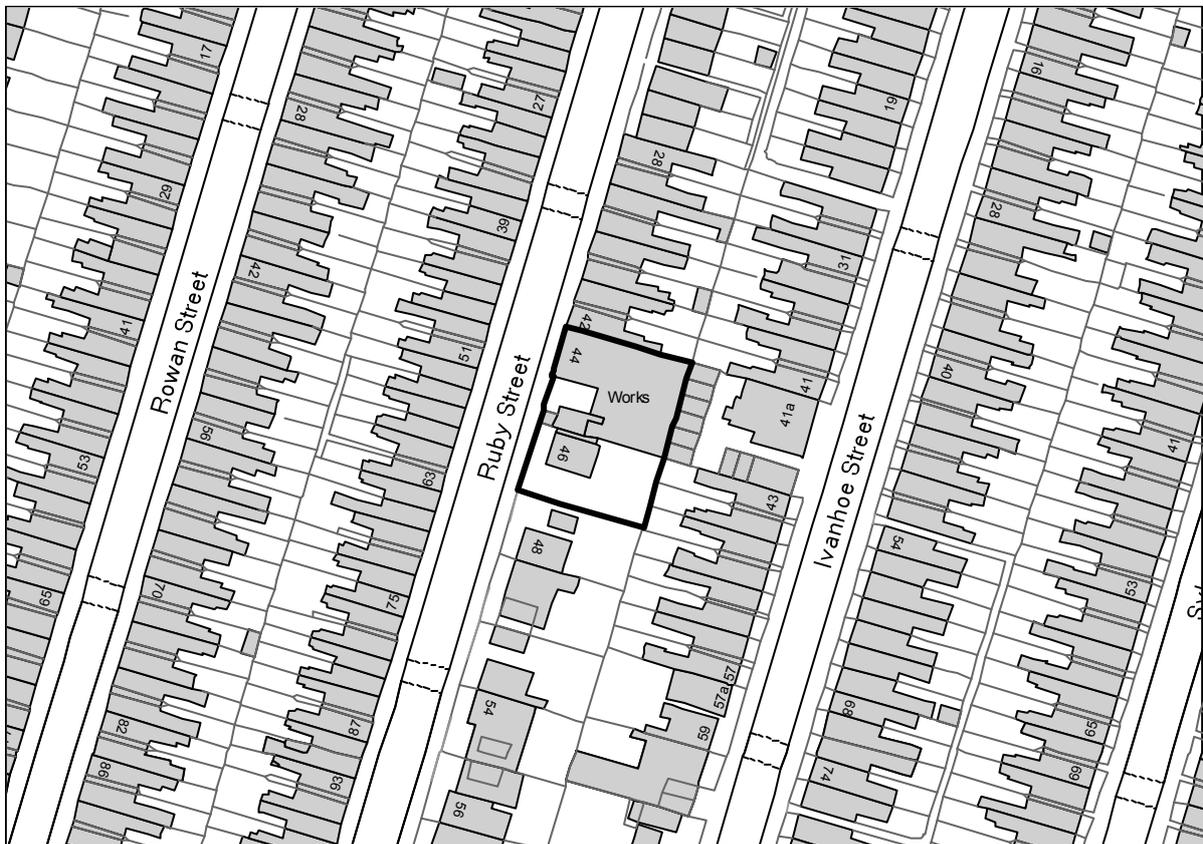


Recommendation: Conditional approval	
20190277	44-46 RUBY STREET
Proposal:	DEMOLITION OF STORAGE WAREHOUSE (CLASS B8) AND FLATS (2 x 1 BED) (CLASS C3); CONSTRUCTION OF SEVEN TERRACED DWELLINGS (7 x 2 BED) (CLASS C3) (AMENDED 05.08.19)
Applicant:	SUNRISE INVESTMENTS
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190277
Expiry Date:	6 September 2019
TEI	WARD: Fosse



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Summary

- The application is before committee as more than five objections have been received.
- Representations largely concern the impact of the proposal on parking in the area.

- The main issues are the standard of living of future residents, the amenity of neighbouring properties, parking and highways impacts, design, waste management and flooding.
- The recommendation is for approval.

Introduction

The application relates to a site in a residential part of the city that is approximately 28 metres wide and approximately 22 metres deep. There are currently two industrial buildings on the site that appear unused and a property in use as two flats. The site is in Critical Drainage Area.

Background

There is no recent relevant planning application history.

The Proposal

The proposal as amended is for the construction of seven terraced dwellings. Each property will be 3.7 metres in depth and will have an internal space of 80 metres². They will each have a living/dining area at the front of and a kitchen at the rear of the ground floor, a study at the front of and a bedroom at the rear of the first floor and a bedroom in the second floor loft space. There will also be a toilet room on the ground floor, a bath room and store on the first floor and an ensuite shower room in the loft. The properties will be set back 1.5 metres from the footway with a red brick boundary wall that sits lower than the cill of the ground floor windows. The intention is that bins will be stored in the space between the property and this brick boundary wall. The properties will be 9 metres in height (5.8 metres to the eaves). There will be a door and window to the ground floor, a window to the first floor and a dormer window of the front elevation and a door and window to the ground floor, a window to the first floor and a rooflight to the rear elevation. The dormers were added as an amendment to the original plans. Each property will have a rear garden of 35 metres².

The existing buildings on site (the industrial buildings and the dwellings) will be demolished.

Policy Considerations

National Planning Policy Framework (NPPF) 2019:

Chapter 2 'Achieving sustainable development'

- Paragraph 11 (five year housing land supply)

Chapter 9 'Promoting sustainable transport'

- Paragraph 109 (severe impact on road network)

Chapter 12 'Achieving well designed places'

- Paragraph 127 (high standard of amenity)
- Paragraph 130 (good design)

Chapter 15 'Conserving and enhancing the natural environment'

- Paragraph 170 (providing net gains for biodiversity)

Chapter 16 'Conserving and enhancing the historic environment'

- Paragraph 192 (sustaining and enhancing significance of heritage assets)

Development Plan policies:

Development plan policies relevant to this application are listed at the end of this report.

Additional documents:

Residential Amenity (Supplementary Planning Document)

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan

Consultations

Environmental Health (land contamination) (LCC): - full land contamination condition required given industrial history of the site.

Local Lead Flooding Authority (LLFA): - the site is in a Critical Drainage Area. A sustainable urban drainage scheme is required and can be secured by condition.

Local highway authority (LCC): - there is no parking provision on site. Appendix 1 of the City of Leicester Local Plan recommend seven parking spaces for the proposed buildings (five for the industrial uses and two for the dwellings). Concerns regarding the number of parking spaces required for seven dwellings.

Representations

Six objections have been received. Four of the objections raise concerns about the lack of onsite parking provision and existing parking problems in the area. One objection in particular raised concerns that local residents with serious health conditions would need to be able to park close to their respective houses. The two other objections raised concerns that demolition and building work would disrupt day sleeping patterns including for night shift workers.

ConsiderationPrinciple of residential development:

Core Strategy Policy CS06 states that housing requirements can be met in part by limited housing growth within established residential areas and small housing infill. Detailed housing issues are covered within the Residential Amenity Supplementary Planning Document. Being a residential area the proposal is acceptable in principle provided it does not have a detrimental impact on its own amenity or the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.

Level of accommodation:

City of Leicester Local Plan policy PS10 lists a number of factors that will be taken into account concerning the amenity of existing or proposed residents. The Residential Amenity SPD provides more detail and guidance on how residential development should secure appropriate levels of amenity.

All principal rooms will have good levels of outlook over Ruby Street or over the rear gardens with the amended plans providing dormers to the front to allow for outlook from the second floor bedrooms. All the properties will have a good level of privacy and I consider the level of accommodation to be acceptable. The rear amenity space is small. However, there is no scope for providing a greater amount of space. Nevertheless, given the limited size of the space I consider it appropriate to attach a condition removing permitted development rights for extensions to the rear of the properties and for any outbuildings in order to preserve the available amenity space.

I consider that with conditions the proposed flats will provide an acceptable level of amenity for future residents and consider them to be consistent with the objectives of saved policies PS10. I recommend that these conditions include the removal of permitted development rights for extensions to the rear and for outbuildings. In order to meet the changing needs of future occupants I also consider it appropriate to attach a condition requiring that the flats be built in accordance with Category 2: Accessible and adaptable dwellings M4 (2).

Impact on residential amenity:

The proposal will be set between existing residential properties and will not project deeper than these.

I do not consider that the proposal will have an unacceptable impact on the amenity of neighbouring properties and consider it to be consistent with the objectives of saved policies PS10 and PS11.

Nevertheless, to ensure that the amenity of neighbouring properties is retained through the construction period I consider it appropriate to attach a condition restricting construction hours.

Design:

The proposal has been designed so that the new dwellings are in proportion to the rest of the terrace and so that they are close in design to the adjacent properties. They will not have the same lintel and eaves detailing as the existing properties which if done poorly would result in a clumsy pastiche appearance. Nevertheless, and in the interests of design quality, I consider it appropriate to attach conditions requiring a 1 metre² sample panel of the brickwork to be used including brick type, mortar and bonding, a sample of the roof tiles and sectional drawings of the windows and doors showing the reveals alluded to in the visuals submitted as part of the application to be agreed prior to the commencement of the works.

The dormers are positioned in line with the ground and first floor windows, are well proportioned in relation to the roof and in their narrowness retain the sense of gradation in the windows from the ground floor to the roof.

I consider that with conditions attached, the proposal will be in keeping with the character and appearance of the area and consistent with the objectives of Core Strategy policy CS03. I recommend that such conditions include a requirement that materials for all elevations and joinery details for the windows and doors are agreed prior to the commencement of the development.

Landscaping, ecology and surface water management:

Details of landscaping are limited with there being scope for landscaping to the front of the properties. It would be unreasonable to expect the landscaping of rear gardens at individual dwelling houses to be controlled. Nevertheless, there remains scope for smaller sustainable urban drainage items such as water butts and for ecological enhancements such as the identified swift boxes and hedgehog holes. These can be secured by conditions requiring both a landscaping plan and details of sustainable urban drainage items.

I consider that with conditions attached the proposal will satisfy the landscaping requirements of saved City of Leicester Local Plan policy UD06, meet the biodiversity enhancement expectations of Core Strategy policy CS17 and will be consistent with the sustainable urban drainage objectives of Core Strategy CS02. I recommend that such conditions include a requirement for both a landscaping and ecology management plan and scheme for sustainable urban drainage to be implemented in accordance with previously agreed details.

Highways, parking and cycles:

The vehicle parking standards at Appendix 1 of the City of Leicester Local Plan suggests fourteen spaces for the proposal. However, the Residential Car Parking Research for Leicester (2011) projected that by 2026 a property of this size in this ward would have an average car ownership of 1.1 cars per household for owner occupied properties or 0.7 cars for shared-ownership properties resulting in a projected need of between five and eight spaces. The existing dropped kerb would be redundant as a result of the development and with a condition requiring the reinstatement of the dropped kerb the site would have a frontage of 28 metres unrestricted parking along Ruby Street. I consider the provision of this space outside the proposed dwellings to be reasonable and do not consider that the residual cumulative impacts of the development would be so severe as to warrant a refusal. Nor do I consider that there are any particular constraints or circumstances that would raise the potential for highway safety risk to beyond that commonly expected on residential terraced streets. However, in the interests of sustainable transport I consider it appropriate to attach a condition requiring travel packs to be issued to future occupants.

I do not consider that the proposal conflicts with the objectives of Core Strategy policy CS14 and I consider that it is consistent with the objectives of saved policy AM12 and AM02. However, I consider it appropriate to attach a condition requiring cycle storage to be provided at each property.

Waste storage and collection:

Bin storage can be accommodated at the front. I consider that the proposal will have an acceptable impact on the management of waste in the area and consider it to be consistent with the objectives of saved policies PS10 and PS11.

Conclusion:

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension to the rear of the properties or outbuildings within the curtilage of the properties shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that

work of these types may lead to an unacceptable loss of amenity to occupiers of the application properties or of neighbouring properties; and in accordance with saved City of Leicester Local Plan policy PS10.)

3. The dwellings shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
4. There shall be no construction or demolition work, other than unforeseen emergency work, undertaken outside of the hours of 07:30 to 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.
The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (In the interests of the amenity of occupiers of the flats, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the commencement of the development a 1 metres² brick sample (showing brick type, bonding and mortar) and a sample of the materials to be used for the roof shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (In the interests of good design and the visual amenity of the area and in accordance with Core Strategy policy CS03.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
6. Before the commencement of the development plans at a scale of 1:10 or 1:20 for the joinery details for the windows and masonry details for the cills and lintels shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (In the interests of good design and the visual amenity of the area and in accordance with Core Strategy policy CS03.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
7. Before the development authorised by this permission is brought into use, a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) new shrub planting, including plant type, size, quantities and locations; (ii) other surface treatments; (iii) fencing and boundary

treatments, (iv) the position and depth of service and/or drainage runs (v) a detailed plan of the biodiversity enhancements on the site.

The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme (In the interests of amenity, and in accordance with City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

8. No development shall take place until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
9. No dwelling shall be occupied until the redundant dropped kerb along Ruby Street has been reinstated in accordance with the Council's standards contained in the '6Cs Design Guide' (view from www.leicester.gov.uk/6cs-design-guide). (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).
10. Prior to the first occupation of each new unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and agreed by the City Council as the local planning authority. The contents of the Travel Pack shall consist of: information promoting the use

of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

11. Prior to the commencement of development details of a Sustainable Drainage System (SuDS) shall be submitted to and approved by the local planning authority. The dwellinghouses shall not be occupied until the system has been implemented in accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
12. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 05.08.19. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban

form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.